

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**JOSE A. RUIZ HERNANDEZ  
ANA M. MALDONADO MEDINA**

**DEBTOR**

**CASE NO. 09-00212 (ESL)**

**CHAPTER 13**

**MOTION TO MODIFY PLAN AFTER CONFIRMATION  
PURSUANT TO 11 U.S.C. §1329**

**TO THE HONORABLE COURT:**

COME(S) NOW the above named Debtor(s), represented by the undersigned attorney, and very respectfully allege(s) and request(s):

1. The Debtor(s), through their attorney, hereby move(s) to modify the Confirmed Chapter 13 Plan dated 01/16/2009 (docket 2), confirmed on 04/08/2009 (docket 15).
2. The Post Confirmation Modified plan dated 06/30/2010 is submitted herewith for approval.
3. Movants' request the present relief because the Administración de Sistemas de Retiro del Estado Libre Asociado (hereinafter "ASR-ELA") de Puerto Rico is presently deducting an unexpected amount of \$340.00 from joint petitioner Ana M. Maldonado Medina retirement check.
4. Under the modified plan the Debtor(s) would:
  - a. adjust the monthly amount to \$100, starting retroactive to May 01, 2010, and ending on April 30, 2011. Amended budget schedules will be filed separately, and to
  - b. allow debtors time to inquire and resolve the post petition deductions affecting the feasibility of their originally confirmed plan.
5. The plan as modified meets the requirements of the Bankruptcy Code, and satisfies Movant's request for relief.

**WHEREFORE**, the Debtor(s) respectfully request(s) this Honorable Court to approve the proposed post confirmation modified plan dated 06/30/2010 pursuant to 11 USC 1329.

**NOTICE:** Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to: Jose Ramon Carrion Morales, Esq., Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., Assistant U.S. Trustee. I further certify that a copy of this document was mailed First Class Mail postage prepaid to the non CM/ECF participants included in the attached creditor matrix.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 30th. day of June, 2010.

s/JOSE L. JIMENEZ QUINONES

USDC-PR 203808

Attorney for Debtor(s)

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United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. **09-00212**

**RUIZ HERNANDEZ, JOSE ANTONIO & MALDONADO MEDINA, ANA MARIA**

Chapter **13**

Debtor(s)

**AMENDED CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: **6/30/2010**

☐ AMENDED PLAN DATED: \_\_\_\_\_

☐ PRE ☒ POST-CONFIRMATION

Filed by: ☐ Debtor ☐ Trustee ☐ Other

**I. PAYMENT PLAN SCHEDULE**

\$ **200.00** x **15** = \$ **3,000.00**  
\$ **100.00** x **12** = \$ **1,200.00**  
\$ **200.00** x **28** = \$ **5,600.00**  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_  
\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

TOTAL: \$ **9,800.00**

Additional Payments:

\$ \_\_\_\_\_ to be paid as a LUMP SUM  
within \_\_\_\_\_ with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in  
addition to the above:

\$ \_\_\_\_\_ x \_\_\_\_\_ = \$ \_\_\_\_\_

PROPOSED BASE: \$ **9,800.00**

**III. ATTORNEY'S FEES**  
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee  
Disclosure Statement: \$ **2,651.00**

Signed: /s/ JOSE ANTONIO RUIZ HERNANDEZ  
Debtor

/s/ ANA MARIA MALDONADO MEDINA  
Joint Debtor

**II. DISBURSEMENT SCHEDULE**

A. ADEQUATE PROTECTION PAYMENTS OR \$ \_\_\_\_\_

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. **FIRST BANK** Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# **8767** # \_\_\_\_\_ # \_\_\_\_\_  
\$ **535.00** \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. ☒ Trustee pays IN FULL Secured Claims:

Cr. **BERRIOS** Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# **9705** # \_\_\_\_\_ # \_\_\_\_\_  
\$ **44.38** \$ \_\_\_\_\_ \$ \_\_\_\_\_

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

4. ☒ Debtor SURRENDERS COLLATERAL to Lien Holder:

**AEELA**

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

**FIRST BANK**

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.  
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: \_\_\_\_\_

☐ Paid 100% / ☐ Other: \_\_\_\_\_

Cr. \_\_\_\_\_ Cr. \_\_\_\_\_ Cr. \_\_\_\_\_  
# \_\_\_\_\_ # \_\_\_\_\_ # \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)

**1. \$350.00 IN ADDITIONAL ATTORNEY'S FEES FOR THE POST  
CONFIRMATION MODIFICATION OF PLAN.**

Attorney for Debtor **JIMENEZ - QUINONES LAW OFFICES**

Phone: **(787) 282-9009**

Label Matrix for local noticing  
0104-3  
Case 09-00212-ESL13  
District of Puerto Rico  
Old San Juan  
Wed Jun 30 18:21:42 AST 2010

FIRSTBANK PUERTO RICO  
PO BOX 9146  
SAN JUAN, PR 00908-0146

AMERICAN EXPRESS  
PO BOX 360001  
FORT LAUDERDALE, FL 33336-0001

BANCO POPULAR DE PR  
PO BOX 71375  
SAN JUAN, PR 00936-8475

CENTENNIAL DE PR  
PO BOX 71514  
SAN JUAN, PR 00936-8614

CRESKA CORP  
PO BOX 71325 SUITE 92  
SAN JUAN, PR 00936-8425

FIA CARD SERVICES  
1110 NORTH KING STREET  
WILMINGTON, DE 19801

FIRSTBANK MORTGAGE  
PO BOX 9066612  
SAN JUAN, PR 00906-6612

HOME DEPOT CREDIT SERVICES  
PO BOX 689100  
DES MOINES, IA 50368-9100

LVNV FUNDING LLC ITS SUCCESSORS AND ASSIGNS  
AS ASSIGNEE OF AMERICAN EXPRESS BANK  
C/O RESURGENT CAPITAL SERVICES  
PO BOX 10587  
GREENVILLE, SC 29603-0587

AEELA  
AEELA  
P O BOX 70199  
SAN JUAN, PR 00936-8199

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c/o Becket and Lee LLP  
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Malvern PA 19355-0701

BANCO SANTANDER DE PR  
PO BOX 362589  
SAN JUAN, PR 00936-2589

CITIFINANCIAL RETAIL SERVICES DE PR  
P.O. BOX 71587  
SAN JUAN, PR 00936-8687

CRIM  
PO BOX 195387  
SAN JUAN, PR 00919-5387

FIA CARD SERVICES  
PO BOX 15026  
WILMINGTON, DE 19850-5026

FIRSTBANK PUERTO RICO  
DEPARTAMENTO DE HIPOTECAS-475  
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SAN JUAN, PR 00908-0146

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATION  
PO BOX 21125  
PHILADELPHIA, PA 19114

POPULAR FINANCE INC  
C/O BANCO POPULAR DE PR  
PO BOX 366818  
SAN JUAN PR 00936-6818

AMERICAN EXPRESS BANK FSB  
C/O BECKET & LEE LLP  
ATTORNEYS/AGENT FOR CREDITOR  
PO BOX 3001  
MALVERN, PA 19355-0701

AEELA  
PO BOX 364508  
SAN JUAN, PR 00936-4508

American Express TRS Co, Inc Latin American  
Division  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

CENTENNIAL DE PR  
CENTURY OFFICE PARK  
CARR. 888, KM 1.3, BO. ST JUST  
SAN JUAN, PR 00930

COSTCO  
RETAIL SERVICES  
PO BOX 60148  
CITY OF INDUSTRY, CA 91716-0148

EMP. BERRIOS FINANCIERA  
PO BOX 674  
CIDRA PR 00739-0674

FIA CARD SERVICES  
PO BOX 15720  
WILMINGTON, DE 19850-5720

HOME DEPOT CREDIT SERVICES  
C/O CITI CARDS  
PO BOX 689106  
DES MOINES, IA 50368-9106

JC PENNEY  
PO BOX 960090  
ORLANDO, FL 32896-0090

PRA Receivables Management, LLC  
As Agent Of Portfolio Recovery Assocs.  
PO Box 12914  
NORFOLK VA 23541-0914

RETIRO - CENTRAL  
ADM. DE LOS SISTEMAS DE RETIRO DEL ELA  
PO BOX 42003  
SAN JUAN, PR 00940-2203

Recovery Management Systems Corporation  
For GE Money Bank  
dba SAM'S CLUB  
25 SE 2nd Ave Ste 1120  
Miami FL 33131-1605

SEARS CREDIT CARDS  
PO BOX 183114  
COLUMBUS, OH 43218-3114

WAL MART  
PO BOX 530927  
ATLANTA, GA 30353-0927

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MONSITA LECAROS ARIBAS  
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OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901-1938

RETIRO - MAESTROS  
ADM. DE SISTEMAS DE RETIRO DE MAESTROS  
PO BOX 191878  
SAN JUAN, PR 00919-1878

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For GE Money Bank  
dba WALMART  
25 SE 2nd Ave Ste 1120  
Miami FL 33131-1605

SEARS PREMIER CARD  
P.O. BOX 183001  
COLUMBUS, OH 43218-3001

eCAST Settlement Corp  
Assignee of HSBC Bank Nevada  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd, Suite 200  
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SAN JUAN, PR 00918-2007

End of Label Matrix	
Mailable recipients	45
Bypassed recipients	0
Total	45

Recovery Management Systems Corporation  
For GE Money Bank  
dba JCPENNEY CREDIT SERVICES  
25 SE 2nd Ave Ste 1120  
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SAM'S CLUB  
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TREASURY SECRETARY  
DEPARTAMENTO DE HACIENDA  
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SAN JUAN, PR 00902-4140

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